



WEB COPY



W.P.Nos.23028, 23029, 23030 & 23031 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.23028, 23029, 23030 & 23031 of 2015

and

M.P.Nos.2 of 2015 (4 Nos.)

Manimekalai ...Petitioner in W.P.No.23028 of 2015

Saradha ...Petitioner in W.P.No.23029 of 2015

Subbathal ...Petitioner in W.P.No.23030 of 2015

Suryakala ...Petitioner in W.P.No.23031 of 2015

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
2. The District Registrar,
Registration Department,
Coimbatore District,
Coimbatore.
3. The Special Tahsildar,
Adi Dravidar Welfare,
Coimbatore District.
4. The Sub Registrar,
Registration Department,

1/10



W.P.Nos.23028, 23029, 23030 & 23031 of 2015

Periyanaickenpalayam,
Coimbatore District.

...Respondents in all W.Ps.

COMMON PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned communication issued in Na.Ka.No.1990/2007 Ka-6, dated .10.2012, on the file of the 1st respondent herein and quash the same in so far as it relates to the petitioners herein.

For Petitioners : Mr.K.Govi Ganesan
(in all W.Ps.)

For Respondents : Mr.P.Sthish, AGP
(in all W.Ps.)

COMMON ORDER

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. The petitioners have filed these Writ petitions seeking issuance of a Writ of Certiorari to call for the records of the 1st respondent in respect of the impugned communication issued in Na.Ka.No.1990/2007 Ka-6, dated .10.2012 and quash the same in so far as it relates to the petitioners herein.

3. The case of the petitioners is that the 3rd respondent granted assignment of vacant plots bearing Nos.190, 114, 149 & 84 in favour of the



W.P.Nos.23028, 23029, 23030 & 23031 of 2015

petitioners respectively, measuring an extent of 120 Sq.mtrs., comprised in S.Nos.294 and 295/1, situated at Agraharasamakulam Village, Coimbatore District and patta in Patta Nos.269, 173, 208 & 143, were also issued in favour of the respective petitioners. Further, some of the major conditions stipulated in the said assignment are that, the assignee should construct a house in the assigned plot within a period of three years and the assignee should not alienate the same to third persons within a period of 10 years. In compliance with the conditions imposed, the petitioners herein have also constructed a house in the assigned plot and have been in absolute possession and enjoyment of the same for the past 13 years. Whiles, when the petitioners came to know that the assignees cannot sell or encumber the assigned plots, they approached the 3rd respondent to enquire about the same and came to know about the present impugned communication dated .10.2012 issued by the 1st respondent, vide proceedings bearing Na.Ka.No. 1990/2007 Ka-6 to the 2nd respondent, in which it is stated not to effect any registration in respect of the above said plots, allotted in favour of the assignees, without getting the consent of the 1st respondent. Hence, challenging the said communication, these Writ petitions have been filed.



W.P.Nos.23028, 23029, 23030 & 23031 of 2015

4. Learned counsel for the petitioners submitted that the conditional assignment was granted in favour of the petitioners as early as in the year 2002 and the conditions imposed were also complied with by the petitioners, whileso, after a lapse of 10 years from the date of assignment, the 1st respondent sending a communication to the 2nd respondent, not to register or entertain any sale proceedings in respect of the allotted plots, without getting appropriate orders from the 1st respondent is not sustainable, as it adversely affects the interest of the assignees. Hence, he prayed for appropriate orders.

5. Learned Additional Government Pleader appearing on behalf of the respondents submitted that, from the year 1981 onwards, a special scheme is implemented by the Government of Tamilnadu, for a genuine cause of providing free house sites to the landless downtrodden people of Backward / Most Backward Classes, so that they need not pay a lump sum amount towards rent from their meager income and to upgrade their standard of living. Further, at the time of issuance of house site pattas, certain conditions were imposed, such as, the house should be constructed in the allotted plot within a stipulated time and inspections were done by the



W.P.Nos.23028, 23029, 23030 & 23031 of 2015

officials and notices were also issued to the defaulters and depending upon the representations and merits of the individual cases, pattas are cancelled / further time is given to them for construction. Another such condition is that, the assignees should not sell the allotted plot within a period of ten years, whileso, it is brought to the notice of the 1st respondent that, the Sub Registrar registered the sale deeds in respect of free house sites which was allotted in favour of the landless poor people, which demeans the original purpose for which the Government initiated the scheme. Therefore, instructions were issued by the 1st respondent, vide proceedings in Ref.No.1990/2007/M6 dated 17.10.2012 to the District Registrars to register the transactions in the H.S.D pattas issued by the Backward Classes Welfare Department, only after obtaining consent from the Collector's office, since it is the responsibility of the District Collector as a law enforcing officer, to see whether the purpose of Government in issuing free H.S.D patta are served genuinely and the 1st respondent has powers and jurisdiction to issue instructions to the concerned Government machinery for this purpose. He furthermore submitted that, the instructions in the present order under challenge is general in nature, issued for the purpose of updation of any conveyance and it is just and required as the lands are Government lands



W.P.Nos.23028, 23029, 23030 & 23031 of 2015

and the petitioners herein are in no way affected by the said instructions, as it does not prevent genuine transactions, whileso, challenging the same is not sustainable. hence, he prayed for dismissal of these Writ petitions.

6. Heard learned counsel on either side and perused the materials available on record.

7. Admittedly, the petitioners herein were granted assignment of free house site patta in the year 2002 and the major allegation of the respondents is that, since the 1st respondent came to know about stray incidents regarding selling of HSD pattas issued in favour of the assignees with a business motive, he issued specific instructions to the District Registrars to obtain consent from the 1st respondent's office, before entertaining the document presented by the assignees in respect of the assigned plots, in order to prevent such acts which are against the purpose for which the Government has initiated this Scheme.

8. Further, a perusal of the present order under challenge makes it



W.P.Nos.23028, 23029, 23030 & 23031 of 2015

clear that, it is a general instruction issued to the District Registrars, so that the original assignees can enjoy the property unconditionally and continuously and to avoid illegal transactions and to merely verify whether the conditions imposed in the assignment were violated or not and the same were issued in the welfare of the assignees and the petitioners herein being one among the assignees are in no way prevented from enjoying the lands allotted to them and it is to safeguard their interest, in which the petitioners are not the aggrieved parties.

9. Hence, this Court is of the view that, the present communication under challenge cannot be interfered with, as the same is just and necessary. Further, the 1st respondent / the District Collector is directed to ensure the enjoyment of the eligible assignees over the assigned plots and ensure fraudulent acts with regard to alienation of such lands are not entertained.

10. With the above observations and directions, these Writ petitions are disposed of. No costs. Consequently, connected Miscellaneous petitions are closed



W.P.Nos.23028, 23029, 23030 & 23031 of 2015

21.06.2022

WEB COPY

skt

Speaking Order : Yes/ No
Index : Yes/ No

To

1. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
2. The District Registrar,
Registration Department,
Coimbatore District,
Coimbatore.
3. The Special Tahsildar,
Adi Dravidar Welfare,
Coimbatore District.
4. The Sub Registrar,
Registration Department,
Periyanaickenpalayam,
Coimbatore District.



WEB COPY



W.P.Nos.23028, 23029, 23030 & 23031 of 2015

M.DHANDAPANI, J.

skt

W.P.Nos.23028, 23029, 23030 & 23031 of 2015
and
M.P.Nos.2 of 2015(4 Nos.)



WEB COPY



W.P.Nos.23028, 23029, 23030 & 23031 of 2015

21.06.2022